

**THE UNITED STATES DISTRICT COURT
FOR
THE NORTHERN DISTRICT OF NEW YORK**

CHRITINE BENEDICT, individually and in her capacity as a candidate for
the public office for Albany County Legislator from the 28th District, and
PAULA FUSCO,
Plaintiffs,

- against -

07
Index No. ~~06~~cv-618 (GLS/RFT)

THE NEW YORK STATE BOARD OF ELECTIONS, NEIL W.
KELLEHER (in his official capacity as a Commissioners of The New York
State Board of Elections), DOUGLAS A. KELLNER (in his official capacity
as a Commissioners of The New York State Board of Elections), EVELYN J.
AQUILA (in her official capacity as a Commissioners of The New York State
Board of Elections), AND HELENA MOSES DONOHUE (in her official
capacity as a Commissioners of The New York State Board of Elections), and
THE ALBANY COUNTY BOARD OF ELECTIONS,
Defendants.

NOTICE OF DISMISSAL

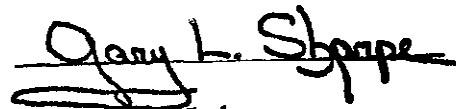
Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiffs, who have not
been served by an adverse party with an answer or a motion for summary
judgment, hereby voluntarily dismisses this action.

Submitted on this 16th day of October, 2007

/s/Tom Marcelle

Tom Marcelle (Bar Roll No. 102117)
Counsel for Plaintiffs
2 E-Comm Square, 3rd Floor
Albany, New York 12207
(518) 427-1720

SO ORDERED:



U.S. District Judge

Date: 10/17/07